

R E M A R K S

Claims 1 to 4 and 6 to 10 as set forth in Appendix I of this paper are now pending in this case. Claim 5 has been canceled, and Claim 1 has been amended, as indicated in the listing of the claims.

More specifically, applicants have amended Claim 1 to present the subject matter of Claim 5 in independent form. Also, applicants have corrected a transcription error concerning the reaction temperature.²⁾ No new matter has been added.

The Examiner rejected Claims 1, 2, 4, 9 and 10 under 35 U.S.C. §103(a) as being unpatentable in light of the teaching of **Pridgen** (WO 01/04098), and objected to Claims 3 and 5 to 8 as being dependent on a rejected base claim.

Withdrawal of the respective issues is respectfully solicited in light of the foregoing and the attached. As noted, Claim 1 as presented herewith is directed to the subject matter of Claim 5. Claims 2, 4, 9 and 10 depend upon Claim 1 and therefore incorporate the pertinent elements by reference, and the same applies where the subject matter of Claims 3 and 6 to 8 is concerned. If an independent claim is non-obvious under 35 U.S.C. §103, then any claim depending therefrom is non-obvious.³⁾ Accordingly, the claims which are presented herewith should be allowable, and the application is deemed to be in good condition for allowance. Favorable action is respectfully solicited.

2) Cf. page 4, indicated lines 42 to 44, of the application.

3) *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988).